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1 2. Lead trial counsel for Defendant is unable to appear at the case management
2 conference at the scheduled time due to a conflicting obligation to appear at trial in another
3 matter, which obligation is expected to last several weeks.

4 3. Lead trial counsel for Plaintiff is unable to appear for a case management
5 conference on November 3, 2006, the next available date suggested by the Clerk of this Court,
6 due to a conflicting obligation to appear at trial in another matter.

7 4. Counsel for both parties understand that the Court would be available were the
8 initial case management conference to be held on December 1, 2006, and lead trial counsel are
9 available then as well.

10 5. Therefore, in order to accommodate their respective schedules and that of this
11 Court, the parties have agreed to continue the case management conference scheduled for October
12 20, 2006, and have stipulated to move this conference to Friday, December 1, 2006, at 2:00 p.m.

13 6. Pursuant to the Order Setting Initial Case Management Conference and ADR
14 Deadlines ("Order"), if the case management conference is continued to December 1, 2006, other
15 deadlines that the Court set for September 29, 2006, and October 13, 2006 (including meet and
16 confer efforts, ADR certification, initial disclosures and case management statement), will be
17 continued accordingly.

18 IT IS SO STIPULATED:

19 DATED: September 7, 2006

DLA PIPER US LLP

20 By Matthew S. Covington
21 MATTHEW S. COVINGTON
22 Attorneys for Defendant
23 AMRESCO COMMERCIAL FINANCIAL,
24 LLC

25 JON YORK & ASSOCIATES

26 By Gregory P. Brock
27 GREGORY P. BROCK
28 Attorneys for Plaintiff
HIGH TECH BURRITO CORPORATION

1

2 **ORDER**

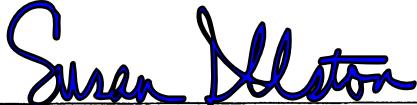
3 Good cause appearing therefor, IT IS HEREBY ORDERED AS FOLLOWS:

4 The case management conference scheduled in this matter for Friday, October 20, 2006 at
5 2:00 p.m. will be continued to Friday, December 1, 2006 at 2:00 p.m.

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7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8 DATED: September ___, 2006



9
10 The Hon. Judge Susan Illston
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12 UNITED STATES DISTRICT JUDGE

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